

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PIERRE C. PINIOL
a.k.a. PIERRE CANA VERAL PINIOL
784 Northwood Drive
Merced, CA 95348

Registered Nurse License No. 675119

Respondent

Case No. 2012-476

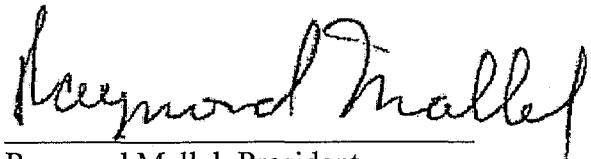
OAH No. 2012041153

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 5, 2013.**

IT IS SO ORDERED **March 7, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
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Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **PIERRE C. PINIOL**
13 **A.K.A. PIERRE CANA VERAL PINIOL**
14 **784 Northwood Drive**
Merced, CA 95348

15 **Registered Nurse License No. 675119**

16 Respondent.

Case No. 2012-476

OAH No. 2012041153

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
22 Registered Nursing. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Geoffrey S.
24 Allen, Deputy Attorney General.

25 2. Respondent Pierre C. Piniol a.k.a. Pierre Cana Veral Piniol (Respondent) is
26 represented in this proceeding by attorney Thomas M. Curry, whose address is: Curry and Curry,
27 530 West 21st St., P.O. Box 2287, Merced, CA 95344-0287
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3. On or about March 6, 2006, the Board of Registered Nursing issued Registered Nurse License No. 675119 (License) to Respondent. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-476 and will expire on August 31, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2012-476 (Accusation) was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 22, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of the Accusation is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Accusation. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in the Accusation.

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10. Respondent agrees that his License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 675119 issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1 **Severability Clause.** Each condition of probation contained herein is a separate and
2 distinct condition. If any condition of this Order, or any application thereof, is declared
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
5 and enforceable to the fullest extent permitted by law.

6 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
7 detailed account of any and all violations of law shall be reported by Respondent to the Board in
8 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
9 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
10 45 days of the effective date of the decision, unless previously submitted as part of the licensure
11 application process.

12 **Criminal Court Orders:** If Respondent is under criminal court orders, including
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
16 the conditions of the Probation Program established by the Board and cooperate with
17 representatives of the Board in its monitoring and investigation of the Respondent's compliance
18 with the Board's Probation Program. Respondent shall inform the Board in writing within no
19 more than 15 days of any address change and shall at all times maintain an active, current license
20 status with the Board, including during any period of suspension.

21 Upon successful completion of probation, Respondent's license shall be fully restored.

22 3. **Report in Person.** Respondent, during the period of probation, shall appear in
23 person at interviews/meetings as directed by the Board or its designated representatives.

24 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
25 practice as a registered nurse outside of California shall not apply toward a reduction of this
26 probation time period. Respondent's probation is tolled, if and when he resides outside of
27 California. Respondent must provide written notice to the Board within 15 days of any change of

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1 residency or practice outside the state, and within 30 days prior to re-establishing residency or
2 returning to practice in this state.

3 Respondent shall provide a list of all states and territories where he has ever been licensed
4 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
5 information regarding the status of each license and any changes in such license status during the
6 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing
7 license during the term of probation.

8 **5. Submit Written Reports.** Respondent, during the period of probation, shall submit
9 or cause to be submitted such written reports/declarations and verification of actions under
10 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
11 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
12 Respondent shall immediately execute all release of information forms as may be required by the
13 Board or its representatives.

14 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
15 state and territory in which he has a registered nurse license.

16 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
17 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
18 6 consecutive months or as determined by the Board.

19 For purposes of compliance with the section, "engage in the practice of registered nursing"
20 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
21 non-direct patient care position that requires licensure as a registered nurse.

22 The Board may require that advanced practice nurses engage in advanced practice nursing
23 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

24 If Respondent has not complied with this condition during the probationary term, and
25 Respondent has presented sufficient documentation of his good faith efforts to comply with this
26 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
27 extension of Respondent's probation period up to one year without further hearing in order to

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1 comply with this condition. During the one year extension, all original conditions of probation
2 shall apply.

3 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
4 prior approval from the Board before commencing or continuing any employment, paid or
5 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
6 performance evaluations and other employment related reports as a registered nurse upon request
7 of the Board.

8 Respondent shall provide a copy of this Decision to his employer and immediate
9 supervisors prior to commencement of any nursing or other health care related employment.

10 In addition to the above, Respondent shall notify the Board in writing within seventy-two
11 (72) hours after he obtains any nursing or other health care related employment. Respondent
12 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
13 regardless of cause, from any nursing, or other health care related employment with a full
14 explanation of the circumstances surrounding the termination or separation.

15 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
16 Respondent's level of supervision and/or collaboration before commencing or continuing any
17 employment as a registered nurse, or education and training that includes patient care.

18 Respondent shall practice only under the direct supervision of a registered nurse in good
19 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
20 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
21 approved.

22 Respondent's level of supervision and/or collaboration may include, but is not limited to the
23 following:

24 (a) Maximum - The individual providing supervision and/or collaboration is present in
25 the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
27 care unit or in any other work setting at least half the hours Respondent works.

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1 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
2 person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health care
4 setting, the individual providing supervision and/or collaboration shall have person-to-person
5 communication with Respondent as required by the Board each work day. Respondent shall
6 maintain telephone or other telecommunication contact with the individual providing supervision
7 and/or collaboration as required by the Board during each work day. The individual providing
8 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
9 patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
11 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
12 or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
14 registered nursing supervision and other protections for home visits have been approved by the
15 Board. Respondent shall not work in any other registered nursing occupation where home visits
16 are required.

17 Respondent shall not work in any health care setting as a supervisor of registered nurses.
18 The Board may additionally restrict Respondent from supervising licensed vocational nurses
19 and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing or as an
21 instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
25 request documentation to determine whether there should be restrictions on the hours of work.

26 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and
27 successfully complete a course(s) relevant to the practice of registered nursing no later than six
28 months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,827.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. **Violation of Probation.** If Respondent violates the conditions of his probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

13. **License Surrender.** During Respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing.

1 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
2 subject to the conditions of probation.

3 Surrender of Respondent's License shall be considered a disciplinary action and shall
4 become a part of Respondent's license history with the Board. A registered nurse whose license
5 has been surrendered may petition the Board for reinstatement no sooner than the following
6 minimum periods from the effective date of the disciplinary decision:

7 (1) Two years for reinstatement of a license that was surrendered for any reason other
8 than a mental or physical illness; or

9 (2) One year for a license surrendered for a mental or physical illness.

10 14. **Physical Examination.** Within 45 days of the effective date of this Decision,
11 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician
12 assistant, who is approved by the Board before the assessment is performed, submit an
13 assessment of the Respondent's physical condition and capability to perform the duties of a
14 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
15 medically determined, a recommended treatment program will be instituted and followed by the
16 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
17 to the Board on forms provided by the Board.

18 If Respondent is determined to be unable to practice safely as a registered nurse, the
19 licensed physician, nurse practitioner, or physician assistant making this determination shall
20 immediately notify the Board and Respondent by telephone, and the Board shall request that the
21 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
22 immediately cease practice and shall not resume practice until notified by the Board. During this
23 period of suspension, Respondent shall not engage in any practice for which a license issued by
24 the Board is required until the Board has notified Respondent that a medical determination
25 permits Respondent to resume practice. This period of suspension will not apply to the reduction
26 of this probationary time period.

27 If Respondent fails to have the above assessment submitted to the Board within the 45-day
28 requirement, Respondent shall immediately cease practice and shall not resume practice until

1 notified by the Board. This period of suspension will not apply to the reduction of this
2 probationary time period. The Board may waive or postpone this suspension only if significant,
3 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
4 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
5 Only one such waiver or extension may be permitted.

6 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

7 Respondent, at his expense, shall successfully complete during the probationary period or shall
8 have successfully completed prior to commencement of probation a Board-approved
9 treatment/rehabilitation program of at least six months duration. As required, reports shall be
10 submitted by the program on forms provided by the Board. If Respondent has not completed a
11 Board-approved treatment/rehabilitation program prior to commencement of probation,
12 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.
13 If a program is not successfully completed within the first nine months of probation, the Board
14 shall consider Respondent in violation of probation.

15 Based on Board recommendation, each week Respondent shall be required to attend at least
16 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
17 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
18 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
19 added. Respondent shall submit dated and signed documentation confirming such attendance to
20 the Board during the entire period of probation. Respondent shall continue with the recovery plan
21 recommended by the treatment/rehabilitation program or a licensed mental health examiner
22 and/or other ongoing recovery groups.

23 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
24 completely abstain from the possession, injection or consumption by any route of all controlled
25 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
26 are ordered by a health care professional legally authorized to do so as part of documented
27 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
28 days, by the prescribing health professional, a report identifying the medication, dosage, the date

1 the medication was prescribed, the Respondent's prognosis, the date the medication will no
2 longer be required, and the effect on the recovery plan, if appropriate.

3 Respondent shall identify for the Board a single physician, nurse practitioner or physician
4 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
5 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
6 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
7 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
8 considered addictive have been prescribed, the report shall identify a program for the time limited
9 use of any such substances.

10 The Board may require the single coordinating physician, nurse practitioner, or physician
11 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
12 medicine.

13 **17. Submit to Tests and Samples.** Respondent, at his expense, shall participate in a
14 random, biological fluid testing or a drug screening program which the Board approves. The
15 length of time and frequency will be subject to approval by the Board. Respondent is responsible
16 for keeping the Board informed of Respondent's current telephone number at all times.
17 Respondent shall also ensure that messages may be left at the telephone number when he is not
18 available and ensure that reports are submitted directly by the testing agency to the Board, as
19 directed. Any confirmed positive finding shall be reported immediately to the Board by the
20 program and Respondent shall be considered in violation of probation.

21 In addition, Respondent, at any time during the period of probation, shall fully cooperate
22 with the Board or any of its representatives, and shall, when requested, submit to such tests and
23 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
24 hypnotics, dangerous drugs, or other controlled substances.

25 If Respondent has a positive drug screen for any substance not legally authorized and not
26 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
27 files a petition to revoke probation or an accusation, the Board may suspend Respondent from

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1 practice pending the final decision on the petition to revoke probation or the accusation. This
2 period of suspension will not apply to the reduction of this probationary time period.

3 If Respondent fails to participate in a random, biological fluid testing or drug screening
4 program within the specified time frame, Respondent shall immediately cease practice and shall
5 not resume practice until notified by the Board. After taking into account documented evidence
6 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
7 suspend Respondent from practice pending the final decision on the petition to revoke probation
8 or the accusation. This period of suspension will not apply to the reduction of this probationary
9 time period.

10 18. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
11 of this Decision, have a mental health examination including psychological testing as appropriate
12 to determine his capability to perform the duties of a registered nurse. The examination will be
13 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
14 the Board. The examining mental health practitioner will submit a written report of that
15 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
16 Recommendations for treatment, therapy or counseling made as a result of the mental health
17 examination will be instituted and followed by Respondent.

18 If Respondent is determined to be unable to practice safely as a registered nurse, the
19 licensed mental health care practitioner making this determination shall immediately notify the
20 Board and Respondent by telephone, and the Board shall request that the Attorney General's
21 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
22 practice and may not resume practice until notified by the Board. During this period of
23 suspension, Respondent shall not engage in any practice for which a license issued by the Board
24 is required, until the Board has notified Respondent that a mental health determination permits
25 Respondent to resume practice. This period of suspension will not apply to the reduction of this
26 probationary time period.

27 If Respondent fails to have the above assessment submitted to the Board within the 45-day
28 requirement, Respondent shall immediately cease practice and shall not resume practice until

1 notified by the Board. This period of suspension will not apply to the reduction of this
2 probationary time period. The Board may waive or postpone this suspension only if significant,
3 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
4 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
5 Only one such waiver or extension may be permitted.

6 **19. Therapy or Counseling Program.** Respondent, at his expense, shall participate in
7 an on-going counseling program until such time as the Board releases him from this requirement
8 and only upon the recommendation of the counselor. Written progress reports from the counselor
9 will be required at various intervals.

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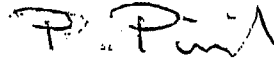
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Thomas M. Curry. I understand the stipulation and the effect it will have on my License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

11/20/12

PIERRE C. PINIOL
Respondent

I have read and fully discussed with Respondent Pierre C. Piniol the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

11-20-2012

THOMAS M. CURRY
Attorney for Respondent

ENDORSEMENT


The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

11/20/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General



GEOFFREY S. ALLEN
Deputy Attorney General
Attorney for Complainant

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Exhibit A

Accusation No. 2012-476

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
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Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-476

13 **PIERRE C. PINIOL, A.K.A.**
14 **PIERRE CANA VERAL PINIOL**
784 Northwood Drive
Merced, CA 95348
Registered Nurse License No. 675119

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about March 6, 2006, the Board issued Registered Nurse License Number
24 675119 to Pierre C. Piniol, also known as Pierre Cana Veral Piniol ("Respondent"). The
25 registered nurse license was in full force and effect at all times relevant to the charges brought
26 herein and will expire on August 31, 2013, unless renewed.

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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct...,

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Criminal Convictions)**

5 8. Respondent has subjected his license to discipline pursuant to Code section 2761,
6 subdivision (f) in that Respondent has been convicted of the following crimes that are
7 substantially related to the qualifications, functions, or duties of a registered nurse:

8 a. On or about July 12, 2011, in the Superior Court, County of Merced, California, in
9 the matter entitled *People vs. Pierre Canaveral Piniol*, 2011, Case No. CRM018271, Respondent
10 was convicted following his plea of nolo contendere to a violation of Vehicle Code section
11 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor with
12 admissions of a prior. The circumstances of the crime are that on or about May 10, 2011,
13 Respondent was arrested for driving under the influence following a traffic stop. Respondent's
14 blood alcohol level measured .09%.

15 b. On or about May 18, 2010, in the Superior Court, County of Merced, California, in
16 the matter entitled *People vs. Pierre Canaveral Piniol*, 2010, Case No. CRM008567, Respondent
17 was convicted following his plea of nolo contendere to a violation of Vehicle Code section
18 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor.
19 The circumstances of the crime are that on or about November 28, 2009, Respondent was
20 arrested for driving under the influence following a traffic stop. Respondent's blood alcohol
21 level measured .13% and .14%.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Conviction of a Crime Involving Controlled Substances)**

24 9. Respondent has subjected his license to discipline pursuant to Code section 2761,
25 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
26 subdivision (c), in that Respondent has been convicted of crimes involving the consumption of
27 alcoholic beverages, as more particularly set forth in paragraph 8, subparagraphs a and b, above.

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